



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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REGIONAL  
ADMINISTRATOR'S  
DIVISION

June 5, 2023

Emily Grimes, Environmental Program Manager  
General Services Administration  
1301 A Street, Suite 610  
Tacoma, Washington 98402

Dear Emily Grimes:

The U.S. Environmental Protection Agency has reviewed General Services Administration's May 2023 notice to prepare an Environmental Assessment for the Porthill Land Port of Entry (EPA Project Number 23-0020-GSA). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA and requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

The Draft EA will consider the effects of proposed expansion and modernization of the Porthill Land Port of Entry located in Northern Idaho, bordering Eastern British Columbia, Canada. The DEA will consider two action alternatives and one "no action" alternative. Both action alternatives would include renovation and expansion activities and may include construction of a new main building, a small port prototype, additional inspection lanes and full or partial demolition of existing LPOE structures.

EPA recognizes GSA's public participation engagement opportunities, including the May 10<sup>th</sup> virtual public meeting, and encourages further meaningful engagement opportunities, including environmental justice (EJ) concerns. EPA's detailed comments include recommendations for the NEPA analysis related to air quality impacts, EJ concerns, tribal consultation, and water quality impacts.

Thank you for the opportunity to provide scoping comments for this project. If you have questions about this review, please contact Emily Good of my staff at 208-378-5760 and [good.emily@epa.gov](mailto:good.emily@epa.gov) or me, at (206) 553-1774 or at [chu.rebecca@epa.gov](mailto:chu.rebecca@epa.gov).

Sincerely,

Rebecca Chu, Chief  
Policy and Environmental Review Branch

Enclosure

**U.S. EPA Detailed Comments on the  
Porthill Land Port of Entry Project  
Porthill, Idaho  
June 5, 2023**

**Air Quality**

EPA recommends the DEA assess potential air quality impacts during activities including construction, maintenance and operations associated with increased vehicle traffic from border crossings. Include in the analysis evaluating air toxics and criteria air pollutants, including diesel particulate matter emissions and fugitive dust emissions.

For potential air pollutant emissions during construction and from vehicle traffic associated with the border crossing, identify potential exposure of these pollutants to nearby populations. EPA recommends including a discussion of measures to minimize air quality impacts to the local environment and decrease exposure of construction related emissions to sensitive populations.

**Environmental Justice (EJ)**

*Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All*<sup>1</sup> highlights the need for a whole-of-government effort to confront longstanding environmental injustices and inequities. Consistent with Executive Order 12898, EO 14096 calls on each agency to make achieving EJ part of its mission, including by carrying out environmental reviews under NEPA in a manner that analyzes direct, indirect, and cumulative effects of federal actions on communities with EJ concerns.

EPA recommends utilizing tools such as EJScreen, which is a national consistent EJ screening and mapping tool<sup>2</sup>. Identifying communities with potential EJ concerns is an important first step for assessing and addressing the direct, indirect, and cumulative effects of federal actions on communities with EJ concerns. EJScreen enables users to compile data that better helps them understand the concerns of impacted communities.

Projects in rural locations such as Bonners Ferry and Porthill, Idaho have potential have communities with EJ concerns. Critical service gaps such as food deserts and medically underserved areas are common EJ concerns associated with rural communities. It is also important that tribes and Indigenous peoples be considered when identifying communities with EJ concerns given the proximity of the project to the Kootenai Tribe of Idaho.

CEQ's *Environmental Justice Guidance Under the National Environmental Policy Act* (1997) (CEQ's EJ Guidance) states that "Review of NEPA compliance (such as EPA's review under Section 309 of the Clean Air Act) must ensure that the lead agency preparing NEPA analyses and documentation has appropriately analyzed environmental effects on minority populations, low-income populations, or Indian tribes, including human health, social, and economic effects."<sup>3,4</sup> CEQ's EJ Guidance also

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<sup>1</sup><https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>. Accessed 5/23/23

<sup>2</sup> <https://ejscreen.epa.gov/mapper/>

<sup>3</sup> Council on Environmental Quality. *Environmental Justice Guidance Under the National Environmental Policy Act*, pg. 3-4. [https://www.epa.gov/sites/default/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf)

<sup>4</sup> Council on Environmental Quality. *Environmental Justice Guidance Under the National Environmental Policy Act*, pg. 10. [https://www.epa.gov/sites/default/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf)

states that ““Under NEPA, the identification of a disproportionately high and adverse human health or environmental effect on a low-income population, minority population, or Indian tribe does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmental unsatisfactory. Rather, the identification of such an effect should heighten agency attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community or population.””<sup>5</sup>

EPA recommends utilizing data from EJ Screen as an initial step to help inform scoping efforts and provide meaningful engagement opportunities for communities with EJ concerns (tribal and non-tribal). EPA recommends the "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report as a resource to apply to this project.<sup>6</sup> This report compiles methodologies from current agency practices for integrating EJ considerations in NEPA processes. Additional strategies for meaningful engagement include:

- Providing timely opportunities for members of the public to participate in decision-making processes.
- Seeking out and encouraging the involvement of persons and communities potentially affected by federal activities including people who are potentially affected and who are not regular participants in federal decision-making.
- Providing meaningful access to individuals with limited English proficiency or individuals with disabilities.
- Providing technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation.

### **Tribal Consultation**

EPA encourages GSA to consult with the tribes and incorporate feedback from the tribes when making decisions regarding the project. EPA recommends the DEA describe the issues raised during the consultations and how those issues were addressed.

### **Water Quality**

EPA recommends the DEA assess potential water quality impacts during activities including construction, maintenance and operations associated with increased vehicle traffic from border crossers. Increased pollution due to the listed activities has the potential to increase runoff into the Kootenai River which has the potential to impact the neighboring Boundary Creek Wildlife Management area and other sensitive ecosystems.

### ***CWA § 303(d)***

The Clean Water Act requires identification of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans referred to as Total Maximum Daily Loads (TMDLs) to improve water quality. EPA suggests the inclusion of any information pertinent to CWA § 303(d) be included in the DEA, particularly regarding the Kootenai river and any efforts related to TMDLs. If effects are found, discuss potential impairments to waterbodies and possible mitigation techniques.

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<sup>5</sup> Council on Environmental Quality. Environmental Justice Guidance Under the National Environmental Policy Act, pg. 10. [https://www.epa.gov/sites/default/files/2015-02/documents/ej\\_guidance\\_nepa\\_ceq1297.pdf](https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf)

<sup>6</sup> Promising Practices for EJ Methodologies in NEPA Reviews: <https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>. Accessed 5/29/23